

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**DORI PAYNE**

**PLAINTIFF**

**V.**

**NO. 3:20-CV-138-DMB-JMV**

**COMMISSIONER OF SOCIAL  
SECURITY**

**DEFENDANT**

**ORDER**

On January 26, 2021, Dori Payne filed a motion to dismiss this appeal from an adverse decision of the Social Security Administration. Doc. #20. As grounds, Payne represents that after reviewing the record, she believes “that substantial evidence would sustain the opinion of the [Administrative Law Judge]” and that “[c]onsequently [she] has no choice but to dismiss this appeal.” *Id.* at 1–2.

Appeals from the Social Security Administration may be dismissed pursuant to Federal Rule of Civil Procedure 41. *Woods v. Soc. Sec. Admin.*, 313 F. App’x 720, 721 (5th Cir. 2009). Such dismissals operate with prejudice when a subsequent appeal would be time barred. *Id.* (citing 42 U.S.C. § 405(g)). Pursuant to Rule 41(a)(2), in the absence of a notice or stipulation of dismissal, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Here, Payne seeks dismissal based on her apparent belief that her appeal is meritless. Under these circumstances, the Court deems dismissal to be proper. Accordingly, the motion to dismiss [20] is **GRANTED**. Because a subsequent appeal would be time barred, this appeal is **DISMISSED with prejudice**.

**SO ORDERED**, this 1st day of February, 2021.

**/s/Debra M. Brown**  
**UNITED STATES DISTRICT JUDGE**